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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,448	09/04/2001	Brad Jaehn	113402-008	9501

24573 7590 06/24/2004
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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

~~09/624,488~~ 09/682,448

Applicant(s)

TSUKADA ET AL

Examiner

Dennis Ruhl

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MLU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20030527</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1-30, the claims are reciting data in a matrix form, which does not define anything tangible or real.

With respect to claims 31-32, the claims are non-statutory because there is nothing in the claim that involves anything in the technological arts and the claims do not produce a useful, concrete, and tangible result. The recited method could be performed without the use of a computer (could be done with paper and pen) so the claims do not involve the technological arts.

2. Claims 26-30 are objected to because of the following informalities: The preambles of these claims do not match the independent claim from which they depend. Independent claim 25 is directed to a display whereas claims 26-30 refer to a display matrix. Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14,21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 14,21, there is no antecedent basis for "the display". No display has previously been claimed so it is not clear what this refers to.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-30 are rejected under 35 U.S.C. 102(a) as being anticipated by "Our technology", ITA software, 4/24/01 (A21 from IDS of 5/27/03).

With respect to the claims and how they have been interpreted the examiner wants to inform the applicant that the type of data being displayed (i.e. car rental information) is considered non-functional descriptive material and does not serve as a limitation. See *In re Gulack*, 217 USPQ 401 (CAFC 1983). The examiner is only giving patentable weight to the fact that there is data in a particular format (rows and columns), but the type of data (car company identifier, type of vehicle, lowest price, etc.) has been given minimal patentable weight because the type of data is non-functional descriptive material. The type of data being displayed is not enough to define over the prior art to ITA.

For claims 1-30, ITA discloses data elements in rows and columns as claimed. See page 2. ITA also discloses a data identifier at the head of each row and column as claimed. The information displayed by ITA is displayed by a network web browser as claimed.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Our technology", ITA software, 4/24/01 (A21 from IDS of 5/27/03) in view of Daughtrey (2003/0018500).

For claims 31,32, ITA discloses a way of identifying and displaying airline flight information from more than one airline so that a consumer can easily and clearly see a summary of available flights for comparison purposes. ITA discloses a service provider identifier at the top of each column of flight data and a flight type identifier at the head of each row of data. At the intersection of each row and column is the associated pricing data relevant to that provider and type of flight. The data is presented in matrix form as claimed. ITA does not disclose displaying car rental information as claimed. Daughtrey

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discloses a travel planning display method for displaying and comparing pricing of different airline flights. Daugherty discloses in paragraph 14 that the travel planning system can be used for other transportation forms such as bus and railroad. It would have been obvious to one of ordinary skill in the art to utilize the display method of ITA with rental cars and the companies that rent cars, so that customers of rental car companies can enjoy the use of an easy to use pricing summary display. In view of Daugherty, one of ordinary skill in the art would have found the use of the ITA system in rental cars to be obvious.

For claim 33, ITA does not disclose the use of a hypertext link as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hypertext link as claimed so that a consumer can easily obtain more detailed information about the rental they are interested in. Hypertext links are old and well known in the art and is considered obvious to one of ordinary skill in the art.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hicks (6615184), Schiff et al. (2002/0082877) disclose the displaying of product information in rows and columns as claimed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER